

Remarks

Reconsideration of this Application is respectfully requested.

I. Status Of The Claims And Support For The Amendment

Claims 1-4, 7-12, 15 and 21-47 are pending in the present application. Claims 1, 2, 8, 9, 10, 15 and 47 have been amended. Claims 6 and 14 have been canceled without prejudice to or disclaimer of the subject matter therein. The dependency of each of claims 8 and 15 has been amended

Support for the amendment of claims 1, 2, 9, 10 and 47 is found in the specification, for example, at page 32, lines 1-3.

No new matter has been added by these amendments, and entry of these amendments is respectfully requested.

II. All Of The Pending Claims Should Be Examined

At pages 2-3 of the Office Action, the Examiner explained that claims 21-46 are withdrawn, because they recite limitations not previously examined. At page 3 of the Office Action, the Examiner stated:

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-46 are withdrawn from consideration as being directed to a non-elected invention.

Applicants respectfully traverse the withdrawal of claims 21-46. A Request for Continued Examination Under 37 C.F.R. § 1.114 is being filed herewith. Accordingly, Applicants respectfully request that claims 21-46 be examined.

III. The Objection To The Drawings And To The Specification Should Be Withdrawn

At pages 3-4 of the Office Action, the Examiner objected to Figure 2, because:

[T]he Brief Description of the Drawings (page 6, last paragraph) describes "numbers on top of bars indicate fold increase over DMSO levels". Figure 2 does not depict any bars or numbers on top of bars. Appropriate correction is required so that Figure 2 and [sic] Brief description refer to identical subject matter.

The Examiner also stated that corrected drawing sheets are required in order to avoid abandonment of the application.

Applicants respectfully traverse this objection. It is true that Figure 2 is a line drawing, not a bar graph. The Specification has been amended herein to delete from the brief description of Figure 2 the sentence that reads "[t]he numbers on top of the bars indicate fold increase over DMSO levels."

It is respectfully believed that as a result of this amendment, the brief description of Figure 2 in the Specification conforms with Figure 2, such that it is not necessary to provide a corrected drawing sheet. Applicants respectfully request that this objection be reconsidered and withdrawn.

IV. The Rejection Under 35 U.S.C. § 112, First Paragraph, Should Be Withdrawn

At page 4 of the Office Action, the Examiner rejected claims 1-4, 6-12, 14, 15 and 47 under 35 U.S.C. § 112, first paragraph, for alleged failure to satisfy the written description requirement. Applicants respectfully traverse this rejection.

Applicants respectfully disagree with this rejection. However, solely in an effort to facilitate prosecution, independent claims 1, 9 and 47 have been amended herein.

It is apparently the Examiner's view that only Lepidopteran/Dipteran and Lepidoptern/Homopteran ecdysone receptor complexes are described in the present application. Applicants respectfully disagree.

Independent claims 1, 9 and 47 have been amended to recite "a Group H nuclear receptor ligand binding domain and a nuclear receptor ligand binding domain capable of forming a dimer with the Group H nuclear receptor ligand binding domain." The test for written description is whether the description provides that the inventors were in possession of the claimed invention. *See* M.P.E.P. § 2163.02 (citations omitted). Here, that test is met, because the present application clearly establishes that the inventors were in possession of the presently claimed invention.

It is believed that as a result of the amendment of claims 1, 9 and 47 herein, the alleged ground for this rejection has been mooted. Applicants respectfully request that this rejection be reconsidered and withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw the presently outstanding objection and the presently outstanding rejection. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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